



Arizona State Board of Pharmacy
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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING JULY 15, 2010
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE
PHOENIX, AZ**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – July 15, 2010

President Berry convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: President Zina Berry, Vice President Steve Haiber, Jim Foy, Joanne Galindo, Louanne Honeyestewa, Kyra Locnikar, Dennis McAllister, Dan Milovich, and Tom Van Hassel. The following staff members were present: Compliance Officers Rich Cieslinski, Ed Hunter, Tom Petersen, Sandra Sutcliffe, Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to having a “substantial interest” in the matter, Mr. Van Hassel recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 6, Schedule B, Resident Pharmacy Permit, for San Luis Pharmacy.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 6, Schedule B, Resident Pharmacy Permit, for CVS/Pharmacy #8914.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 8, Schedule D, License Application Review for Jennifer Winningham.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 13, Schedule F, for Complaint #3793, Complaint #3816, Complaint #3831, and Complaint #3839.

Due to having a “substantial interest” in the matter, Mr. Haiber recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 13, Schedule F, for Complaint # 3783, Complaint #3784, Complaint #3786, Complaint #3787, Complaint #3795, Complaint #3801, and Complaint #3819.

Due to having a “substantial interest” in the matter, Dr. Berry recused herself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 7, Special Requests, for Jonathan Vernier.

Due to having a “substantial interest” in the matter, Dr. Berry recused herself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 13, Schedule F, for Complaint #3779, Complaint #3785, Complaint #3791, Complaint #3792, Complaint #3804, Complaint #3806, Complaint #3807, Complaint #3809, Complaint #3810, Complaint #3811, Complaint #3823, Complaint #3824, Complaint #3828, and Complaint #3832.

Due to having a “substantial interest” in the matter, Dr. Berry recused herself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 15, Consent Agreements, for Keyura Pandya.

AGENDA ITEM 3– Approval of Minutes

Mr. Haiber indicated that Page 24 of the minutes did not scan appropriately and part of the election of officers was not scanned.

Following a review of the minutes and an opportunity for questions and **on motion by Mr. McAllister and seconded by Mr. Milovich**, the minutes of the Regular Meeting held on May 12 and 13, 2010 were unanimously approved by the Board Members.

AGENDA ITEM 4 – Hearings.

1. Stephen Marks

Stephen Marks, respondent was present.

Elizabeth Campbell, Assistant Attorney General, representing the State was present.

Mary Jo Foster, Solicitor General, was present via telephone.

President Berry opened the hearing by stating that the Board would move forward with the Hearing for reconsideration of the denial of Mr. Marks’s application for licensure.

Ms. Campbell indicated that this hearing was not a reconsideration of the denial of Mr. Marks’ application for license but a hearing concerning the appeal by Mr. Marks because his license application was denied by the Board.

Ms. Foster was contacted via telephone and the Board was advised to proceed with the Hearing as indicated by Ms. Campbell.

President Berry opened the hearing by stating that this is the date, time, and place where the matter dealing with the denial of Stephen Marks's application for licensure as a pharmacist in Arizona. The Case Number is 10-0066-PHR.

Board Members present for the Hearing: Joanne Galindo, Louanne Honeyestewa, Kyra Locnikar, Tom Van Hassel, Dan Milovich, Jim Foy, Dennis McAllister, Steve Haiber, and Zina Berry.

President Berry stated let the record show that the Board Members have been furnished with copies of the following:

1. The Complaint and Notice of Hearing
2. The Respondent's Answer
3. All pleadings of record

President Berry asked the parties to identify themselves.

Elizabeth Campbell, Assistant Attorney General, representing the state was present. Stephen Marks, respondent, was present.

President Berry asked Mr. Marks if he was represented by an attorney. Mr. Marks replied no. President Berry asked Mr. Marks if he understood that by proceeding without representation of legal counsel he is waiving his right to such representation at this hearing. Mr. Marks replied yes.

President Berry asked Mr. Marks if he understood that this hearing is his opportunity to present testimony and evidence on his behalf. Mr. Marks replied yes.

President Berry asked Mr. Marks if he understood that if he should appeal the Board's decision, the record he makes at this hearing today would be evidence considered by a court in determining whether the Board's decision was proper. Mr. Marks replied yes.

President Berry read the opening statements concerning the proceedings of the hearing.

President Berry asked the court reporter to swear in the witnesses. The court reporter swore in Mr. Marks.

Elizabeth Campbell, Assistant Attorney General, asked that her documents be admitted as evidence. Mr. Marks was agreeable to the documents being admitted as evidence.

President Berry asked Ms. Campbell if she would like to make an opening statement. Ms. Campbell stated that as set forth in the denial letter the Board denied Mr. Marks's application for licensure as a pharmacist in Arizona based on his Pennsylvania disciplinary order. Ms. Campbell stated that Mr. Marks faxed a prescription for Lorazepam to one pharmacy and had the original filled at another pharmacy. Ms. Campbell stated that Mr. Marks was also convicted of a misdemeanor offense for this conduct. Ms. Campbell stated that the Pennsylvania order also contained a finding that

Mr. Marks had diverted approximately a dozen Lorazepam from the pharmacy where he worked. Ms. Campbell stated that the Board denied Mr. Marks's license application because he had committed acts of unprofessional conduct. Ms. Campbell stated that the Board determined that Mr. Marks had committed an act of unprofessional conduct with

reference to A.R.S. §§ 32-1927 (S) and 32-1927 (A). Ms. Campbell stated that the order is final and the Board had a basis for denial.

President Berry asked Mr. Marks if he had an opening statement. Mr. Marks stated that he openly admitted to the State Board of Pharmacy that he took tablets from Eckerds. Mr. Marks stated that he admitted it to the Board because he had a problem with the doctor that was treating him. Mr. Marks stated that he was getting to a point where he was not sure if he could continue practicing pharmacy. Mr. Marks stated that he did have a prescription for Lorazepam. Mr. Marks stated that he was not taking any narcotics. Mr. Marks stated that Lorazepam is a Schedule IV medication and is not addictive. Mr. Marks stated that he needed additional tablets. Mr. Marks stated that he took another copy of a prescription which was a legal prescription and was not forged and had it filled so that he would have enough pills until he was treated by a new doctor.

Mr. Marks stated that he has been a pharmacist for 44 years and this is the first time he had a problem. Mr. Marks stated that he had a lot of issues with his physician and treated himself until he found a new doctor. Mr. Marks stated that he is currently a director of pharmacy at a large nursing facility. Mr. Marks stated that he worked during his probationary period and has completed his probationary period with the Pennsylvania Board.

Mr. Marks stated that his doctor recommended that he move to Arizona because of his arthritis. Mr. Marks stated that his wife has found a job and has already moved to Arizona.

Mr. Marks stated that he has seen that many cases worse than this have come before the Arizona Board and the pharmacist was licensed. Mr. Marks stated that he did what he did out of self-preservation. Mr. Marks stated that he is not an addict and did not take drugs illegally. Mr. Marks stated that if he needed to take the drugs he could have taken them off the shelf and nobody would have known. Mr. Marks stated that he did admit to the State Board what he did and the circumstances. Mr. Marks stated that the Board then placed him on probation for one year. Mr. Marks stated that he does not understand why he is being denied by the Arizona Board.

Mr. Haiber asked Mr. Marks if he did not discuss the taking of the Lorazepam with Eckerds but discussed the taking of the Lorazepam with the Pennsylvania Board. Mr. Marks replied yes. Mr. Marks stated that Eckerds did not know that he took the Lorazepam and he disclosed that information to the Board.

Mr. Haiber stated in reviewing the March minutes Mr. Marks stated that he did not discuss the issue with Eckerds and further stated that he did not know that Eckerds reported it to the Board. Mr. Marks stated that the first that he knew that it was not just between him and the Pennsylvania Board was at the March meeting in Arizona. Mr. Marks stated that maybe it was taken out of context.

Mr. Haiber asked Mr. Marks about his statement that the copy of the prescription was not an illegal prescription. Mr. Marks admitted that he had the copy filled at another pharmacy because he needed the additional medication. Mr. Haiber stated that in his mind a copy is illegal. Mr. Marks stated that it was not against the pharmacy because it was an outside issue. Mr. Marks stated that it was not an illegal prescription based on the fact that he took a duplicate of the prescription to the pharmacy.

Mr. Haiber asked Mr. Marks why he did not list Eckerd as an employer on his resume. Mr. Marks stated that he worked for a company that was sold to Pharmamerica. Mr. Marks stated that he was looking for a new job and his friend talked him into working for Eckerd. Mr. Marks stated that he never worked in the retail environment. Mr. Marks stated that after two to three weeks he was left alone. Mr. Marks stated that he could not function because he did not even understand the computer system. Mr. Marks stated that he worked there one year and for that reason he did not put it on his resume.

Dr. Foy asked Mr. Marks about his statement that he made stating that he never took drugs off the shelf even though he could have taken drugs off the shelf. Mr. Marks replied yes he made that statement today. Dr. Foy asked the question again asking Mr. Marks if he had ever taken drugs off the pharmacy shelf. Mr. Marks replied yes he did admit to taking drugs off the shelf.

Mr. Milovich asked Mr. Marks how he justified taking medications off the shelf. Mr. Marks stated that he was being treated for over two years. Mr. Marks stated that he was not functioning as a human being. Mr. Marks stated that he knew what was wrong with him and knew the dosage of medication that would help him. Mr. Marks stated that the doctor refused to give him the dosage of medication that he needed. Mr. Marks stated that the doctor wanted him to go to a sleep lab for testing and he had gone to a sleep lab previously. Mr. Marks stated that he worked 12 hour shifts and worked at night which disrupted his sleep pattern. Mr. Marks stated that he could not function without sleep. Mr. Marks stated that he chose Ativan because it was a Schedule III drug and was not addictive and it worked for him. Mr. Marks stated that he knew what was best for him. Mr. Marks stated that he continually argued with his doctor and the doctor refused to increase his dose.

Mr. Milovich asked Mr. Marks if he then decided to take the situation into his own hands. Mr. Marks replied yes.

Mr. Marks stated that he has been a pharmacist since 1977. Mr. Marks stated that he has worked in many different areas of pharmacy. Mr. Marks indicated that he does volunteer work with members of the Pennsylvania Board. Mr. Marks stated that he has only had this one issue with the Board in the 44 years that he practiced.

Mr. Milovich asked Mr. Marks about the duplicate letters that the Board received concerning his replies to the complaint. Mr. Milovich asked why he sent duplicate letters with words spelled incorrectly in both letters. Mr. Marks stated that he is not a computer typer. Mr. Marks stated that he does not do his own typing at work.

Mr. Milovich asked Mr. Marks if he remembers sending the letter. Mr. Marks stated yes.

Mr. Marks stated that he made a mistake and wants to work in Arizona. Mr. Marks stated that his situation got out of hand. Mr. Marks stated that he could move to Arizona and find a job working in government, but he does not want to work for the government. Mr. Marks stated that he wants to work in a hospital or long term care facility.

President Berry asked Ms. Campbell if she had a closing statement. Ms. Campbell stated that based on the Pennsylvania Board Order and his criminal conviction, Mr. Marks has committed an act of unprofessional conduct according to A.R.S. 32-1901.01 (B) (16). Ms. Campbell stated that based on these findings the Board denied Mr. Marks's

application for licensure as a pharmacist. Ms. Campbell stated that the state is requesting that the Board affirm the denial of Mr. Marks's application for licensure.

President Berry asked Mr. Marks if he had a closing statement. Mr. Marks stated that he does not understand the Board's reasoning for denying his application. Mr. Marks stated that people who are addicted to drugs have appeared in front of the Board and are able to be licensed in Arizona.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously agreed to adopt the allegations in the denial letter. A Roll Call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Ms. Locnikar – aye, Mr. Van Hassel – aye, Mr. Milovich – aye, Dr. Foy – aye, Mr. McAllister – aye, Mr. Haiber – aye, and Dr. Berry – aye.)

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously agreed to adopt the conclusions of law. (A.R.S. § 32-1901.01 (B)(16)). A Roll Call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Ms. Locnikar – aye, Mr. Van Hassel – aye, Mr. Milovich – aye, Dr. Foy – aye, Mr. McAllister – aye, Mr. Haiber – aye, and Dr. Berry – aye.)

The Board then deliberated.

Mr. Van Hassel stated that he feels that the Board has not heard any new evidence to change their opinion concerning the denial of Mr. Marks's application.

Mr. Haiber stated that he is concerned that the respondent does not view what he did as an illegal act. Mr. Haiber stated that he feels that the respondent was not truthful at the last Board Meeting concerning his employment at Eckerd's.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board agreed to affirm the denial of Mr. Marks's application for licensure in Arizona. A Roll Call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Ms. Locnikar – nay, Mr. Van Hassel – aye, Mr. Milovich – aye, Dr. Foy – aye, Mr. McAllister – aye, Mr. Haiber – aye, and Dr. Berry – aye.) The motion carries.

AGENDA ITEM 5 – Arizona Pharmacy Alliance Online Law/QA Course Presentation

President Berry stated that Mindy Smith, Executive Director, for the Arizona Pharmacy Alliance was present to discuss an online law course offered by the Alliance.

Ms. Smith stated that the Alliance is offering an online law/quality assurance course on line. Ms. Smith stated that the course is a home study law course that allows the participant to learn about quality assurance strategies and Arizona's pharmacy laws.

Ms. Smith stated that the course started in January of 2009 and 100 participants have completed the course.

Ms. Smith stated that the online course is an interactive course. Ms. Smith stated that Mary Gurney, a professor at Midwestern University-Glendale, serves as the instructor for the course. Ms. Smith stated that the course is a 2-week course that starts on the second Monday of each month. Ms. Smith stated that the course involves online discussions,

assignments, and tests throughout the course to track the participant's progress. Ms. Smith stated that the participant must complete all assignments and quizzes and pass the final exam to pass the course and receive credit.

Dr. Berry stated that the Board could refer individuals to this standardized program if the Board requested that a pharmacist complete law CE as a result of disciplinary action taken by the Board.

Mr. Haiber asked if the program is updated. Ms. Smith stated that the program is updated on a monthly basis if there is a change in the rules.

Mr. Haiber asked if the Alliance has thought about offering different courses for CE in the same format. Ms. Smith stated that they are looking at additional courses that would offer a certificate upon completion.

AGENDA ITEM 6– Permits and Licenses

President Berry stated that all permits were in order for resident pharmacies and representatives were present to answer questions from Board members.

1st Care Pharmacy

Lameck Nyakweba, Owner and Pharmacist in Charge, was present to answer questions from Board Members.

President Berry opened the discussion by asking Mr. Nyakweba if his pharmacy is located in an urgent care clinic. Mr. Nyakweba replied yes.

Dr. Berry asked Mr. Nyakweba if patients would have a choice of where to have their prescriptions filled. Mr. Nyakweba stated that the pharmacy is located in the clinic area for the convenience of the patients. Mr. Nyakweba stated that the patient is free to have their prescription filled at the pharmacy of their choice.

Dr. Berry asked Mr. Nyakweba if he is renting the space from the clinic. Mr. Nyakweba stated that he is renting the space.

Dr. Berry stated that the Board has concerns if the space is being rented at a prevailing rental rate. Dr. Berry asked Mr. Nyakweba what he is paying for rent on a monthly basis. Mr. Nyakweba stated that he is paying \$3,000 for the space.

Mr. Milovich asked Mr. Nyakweba if the physicians are being compensated in any fashion. Mr. Nyakweba replied no.

Mr. Haiber asked Mr. Nyakweba if the pharmacy is located adjacent to the clinic or is it within the clinic. Mr. Nyakweba stated that the pharmacy is located within the clinic.

Mr. Haiber asked Mr. Nyakweba if security regulations would be met. Mr. Nyakweba replied yes that security measures would be in place when the pharmacy opens.

Mr. Haiber asked Mr. Nyakweba if he would be doing any compounding. Mr. Nyakweba replied that he would be doing minimal compounding.

Dr. Berry asked if a pharmacist would be on site when the clinic is open. Mr. Nyakweba stated that the pharmacy would be open from 8:00 A.M. to 9:00 P.M. on weekdays and from 8:00 A.M. to 4:00 P.M. on weekends.

Mr. Haiber asked Mr. Nyakweba if he would be supplying any medications or supplies to the physicians for office use. Mr. Nyakweba replied that he may provide some supplies to the physicians and is aware of the regulations.

Dr. Berry asked Mr. Nyakweba who Mr. Mohammed is on the zoning documents. Mr. Nyakweba stated that he is the owner of the clinic. Mr. Nyakweba stated that he would be renting the space from Mr. Mohammed.

Dr. Foy asked Mr. Nyakweba if he has any affiliation with the practice. Mr. Nyakweba replied no.

Mr. Van Hassel asked Mr. Nyakweba if all prescriptions would be dispensed by the pharmacists at the site. Mr. Nyakweba replied yes that the urgent care doctors would not be dispensing medications.

San Luis Pharmacy

Mr. Van Hassel recused himself due to a conflict of interest.

Olubenga Oduyale, Owner, and Olayemi Falowo, Pharmacist in Charge, were present to answer questions from Board Members. Ken Baker was present as Legal Counsel for the applicants.

Dr. Berry opened the discussion by asking Mr. Oduyale if his pharmacist license was disciplined in California. Mr. Oduyale stated that his pharmacist license in

California was placed on probation. Mr. Oduyale stated that his probation ended in December of 2009.

Dr. Berry asked Mr. Oduyale why his license was disciplined in California. Mr. Oduyale stated that his license was disciplined in California because he did not label medications for patients. Mr. Oduyale stated that he was not in compliance with the law.

Mr. Milovich asked Mr. Oduyale if he had multiple vials that were not labeled and had loose tablets in his pocket when he was stopped by the police. Mr. Oduyale stated that some of that is correct. Mr. Oduyale stated that he was delivering medications to his patients.

Mr. Milovich asked Mr. Oduyale if he reported his discipline to the Board. Mr. Oduyale replied that he did not know that he was supposed to report his discipline to the Board.

Mr. Milovich asked Mr. Oduyale if he is familiar with pharmacy law in the state of Arizona. Mr. Oduyale replied that he is familiar with most of the laws and if he has a question he would look up the law.

Mr. Milovich asked Mr. Oduyale what he has done to prepare to be a pharmacy owner. Mr. Oduyale stated that he has reviewed the law. Mr. Oduyale stated that he has hired Legal Counsel for interpretation of the law. Mr. Oduyale stated that he has hired someone else to be the pharmacist in charge.

Mr. Milovich asked Mr. Oduyale about the recordkeeping violations in his California order. Mr. Oduyale stated that he has learned from his mistakes. Mr. Oduyale stated that he has taken 90 hours of classes on recordkeeping and those records can be obtained from the California Board.

Dr. Berry asked Mr. Oduyale why he did not label the bottles. Mr. Oduyale stated that it was New Years Eve and the computer was down. Mr. Oduyale stated that the prescriptions were transferred from another pharmacy two days ago and the patients needed their medication. Mr. Oduyale stated that he placed the medications in the bottle and did not label the bottles and was going to deliver the medications to the patients.

Dr. Berry asked Mr. Oduyale if there was an emergency plan in place in case the computer did not work. Mr. Oduyale stated that he made a mistake and learned from his mistake.

Dr. Berry stated that the California order noted that there were different medications in one vial and asked Mr. Oduyale to explain how different medications were placed in one vial. Mr. Oduyale stated that he believed that this was his own bottle of medication.

Dr. Berry asked Mr. Oduyale how he knew which unlabeled bottle was his bottle. Mr. Oduyale stated that he made a lot of judgment errors and he has corrected those errors.

Mr. McAllister asked Mr. Oduyale to give a brief overview of his employment history since 1990. Mr. Oduyale stated that he has worked mainly in California. Mr. Oduyale stated that he worked for Thrifty Drug which was bought by Rite Aid. Mr. Oduyale stated that he was Pharmacist in Charge for Callexico Hospital. Mr. Oduyale stated that he left Rite Aid to become the Pharmacy Director at Palo Verde Hospital in Blythe, California. Mr. Oduyale stated that he worked at Pioneer Hospital in Brawley, California. Mr. Oduyale stated that he worked for CVS the last three years and is currently not working in pharmacy.

Dr. Berry asked Mr. Oduyale where he worked when he did not label the bottles. Mr. Oduyale stated that he worked at Rite Aid. Mr. Oduyale stated that at the time of the discipline he was working at Palo Verde Hospital.

Dr. Berry asked Mr. Oduyale why the order stated that there were no records in the system showing the prescriptions were billed. Mr. Oduyale stated that the patients were on Medi-Cal which is a program for indigent patients in California and they do not pay for their prescriptions. Mr. Oduyale stated the prescriptions were billed the next day when the computer was up and running.

Dr. Foy asked Mr. Oduyale about the recordkeeping issues at the hospital. Mr. Oduyale stated that his policies and procedures were not in accordance with the law and they were brought to the attention of the Board by an Inspector. Mr. Oduyale stated that his perpetual inventory did not actually translate to the DEA inventory.

Dr. Foy asked Mr. Oduyale about the medications that were obtained from Mexico. Mr. Oduyale stated that he did not acquire any medications from Mexico for use in the hospital and the medication from Mexico was for his own personal use.

On motion by Mr. Milovich and seconded by Mr. McAllister, the Board unanimously agreed to deny the permit application for San Luis Pharmacy. The basis for the denial is that the permittee applicant or its employee is guilty of unethical conduct. (A.R.S. § 32-1927.02 (A) and (Q)). The following constitutes unethical conduct under the Board's statutes: A.R.S. § 32-1901.01 (A) (8).

On motion by Mr. Haiber and seconded by Mr. McAllister, the Board unanimously agreed to add the following statutes for the denial of the permit application: A.R.S. § 32-1901.01 (A) (13), (16) and (17).

On motion by Mr. Milovich and seconded by Mr. McAllister, the Board unanimously agreed to open a complaint against Mr. Oduyale for not reporting his disciplinary action to the Board.

Santa Teresa Pharmacy

Prakash Shah, Owner and Pharmacist in Charge, was present to answer questions from Board Members.

President Berry opened the discussion by asking Mr. Shah if his pharmacy would be located in a walk-in clinic. Mr. Shah stated that he would be operating an independent pharmacy in a clinic. Mr. Shah stated that his pharmacy would fill prescriptions for clinic patients and other patients in the community.

Dr. Berry asked if the pharmacy is located within the clinic. Mr. Shah replied yes.

Dr. Berry asked Mr. Shah if the patients would have a choice of where to fill their prescriptions. Mr. Shah stated that the patient would be given a prescription by the doctor and they could have the prescription filled at the pharmacy of their choice.

Dr. Berry asked Mr. Shah if the doctors were receiving any compensation. Mr. Shah replied no.

Dr. Berry asked Mr. Shah if he was renting the space from the clinic. Mr. Shah stated that he is renting the space and is paying \$500 a month for the space.

Dr. Berry asked if Mr. Shah would be compounding any medications. Mr. Shah replied that he would not be doing any type of compounding.

Mr. McAllister asked Mr. Shah where he has worked previously. Mr. Shah stated that he has worked mainly in retail pharmacies. Mr. Shah stated that he has worked in chain pharmacies in the area, an independent pharmacy in the area, and has also worked at Fort Huachuca.

Mr. Haiber asked if the classroom is a separate space. Mr. Shah stated that patients would enter the classroom through a separate doorway and there is no entrance into the classroom from the pharmacy.

Dr. Berry asked where the patients would wait for their prescriptions. Mr. Shah stated that the patients would wait in the common waiting room for the clinic.

Dr. Berry asked Mr. Shah what hours the pharmacy would be open. Mr. Shah stated that the pharmacy would be open from 8:00 A.M. to 5:00 P.M. Monday through Friday.

RESIDENT PERMITS

CVS/Pharmacy #8914

Dr. Foy recused himself due to a conflict of interest.

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously approved the resident applications listed below pending final inspection by a Board Compliance Officer.

RESIDENT

Pharmacy	Location	Owner
CVS/Pharmacy #8914	50 W. Jefferson St., Suite 140 Phoenix, AZ 85003	Arizona CVS Stores, LLC

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously approved the resident applications listed below pending final inspection by a Board Compliance Officer.

RESIDENT (In Arizona)

Pharmacy	Location	Owner
Sirona Infusion, LLC	460 S. Benson Lane, Chandler, AZ 85224 (O)	SCP Specialty Infusion
1 st Care Pharmacy	1300 W. Watson, Buckeye, AZ 85326	Lameck Nyakweba
Danville Children's Medical Center	1400 N. Wilmot Rd., Tucson, AZ 85712	Danville Children's Medical Center
Santa Teresa Pharmacy	1896 Babbit Lane, San Luis, AZ 85349	Prakash Shah

(O) = Ownership Change

NON-RESIDENT PERMITS

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously approved the non – resident permits listed below.

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Greer Pharmacy	639 Nuway Circle, Lenoir, NC 28645	Greer Laboratories, Inc.
KCC, Inc.	1501 23 rd Ave, Ste. B, Lauderdale, MS 39301	KCC, Inc.
Easy Scripts, Inc.	2307 S. Mount Prospect Rd., Des Plaines, IL 60018	Easy Scripts, Inc.
Costco Pharmacy #570	215 Deininger Circle, Corona, CA 92880	Costco Wholesale Corp.
Cardinal Health 414, LLC	3940 S. Eastern Ave., Las Vegas, NV 89119	Cardinal Health 414, LLC
ANEWrx	523 Parkway View Dr., Pittsburgh, PA 15205	ANEWrx, LP
Mini Pharmacy Enterprises, Inc.	2425 Porter St., Los Angeles, CA 90021	Mini Pharmacy Enterprises, Inc.
PETNET Solutions, Inc.	1201 Camino De Salud, NE #300 Albuquerque, NM 87106	PETNET Solutions
Mission Road Pharmacy	115 N. Mission Rd., Los Angeles, CA 90033	Any Tu Nguyen

Wholesaler Permits

President Berry stated that there is one resident wholesale permit to approve.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously approved the wholesaler permit listed below.

WHOLESALER	LOCATION	OWNER
GGT Enterprises, LLC (Non-Prescription)	460 N, Switzer Canyon Dr., #100, Flagstaff, AZ 86001	GGT Enterprises, LLC

Manufacturer Permits

President Berry stated that there is one resident manufacturer permit to approve.

On motion by Mr. Haiber and seconded by Ms. Honeyestewa, the Board unanimously approved the wholesaler permit listed below.

MANUFACTURER	LOCATION	OWNER
Bard Peripheral Vascular, Inc.	1625 W. 3 rd St. Tempe, AZ 85281	Bard Peripheral Vascular, Inc.

Pharmacists, Interns, Pharmacy Technicians, and Pharmacy Technician Trainees

President Berry stated that all license requests and applications were in order.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously approved the Pharmacists licenses listed on the attachments.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously approved the Intern licenses listed on the attachments.

On motion by Mr. Haiber and seconded by Dr. Foy, the Board unanimously approved the Pharmacy Technician and Pharmacy Technician Trainee applications listed on the attachments.

AGENDA ITEM 7 – Special Requests

President Berry recused herself due to a conflict of interest and turned the meeting over to Vice President Haiber.

#1 Jonathan Vernier

Jonathan Vernier appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 05-0012-PHR be terminated. Lisa Yates with the PAPA program was also present. His probation is scheduled to end on August 17, 2010.

Vice President Haiber asked Mr. Vernier why he was appearing in front of the Board. Mr. Vernier stated that he is requesting that the Board terminate his probation.

Mr. Haiber asked Mr. Vernier if he has completed his community service. Mr. Vernier stated that he has completed 400 hours of community service.

Mr. Haiber asked Ms. Yates if PAPA supports his request. Ms. Yates replied that Mr. Vernier has been compliant and has helped others in the program.

Mr. Haiber asked Mr. Vernier if he works in a pharmacy. Mr. Vernier stated that he works at Walgreens.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to approve the request by Mr. Vernier to terminate the probation of his pharmacist license imposed by Board Order 05-0012-PHR effective July 15, 2010.

#2 Paul Dahlk

Paul Dahlk appeared on his own behalf to request that the suspension imposed on his pharmacist license per Board Order 10-0026-PHR be terminated and probation be imposed. Lisa Yates with the PAPA program was also present.

President Berry opened the discussion by asking Mr. Dahlk why he was appearing in front of the Board. Mr. Dahlk stated that he is asking the Board to terminate the suspension of his pharmacist license.

Dr. Berry asked Mr. Dahlk how long his license has been suspended. Mr. Dahlk stated that his license has been suspended for seven months.

Dr. Berry asked if PAPA supported Mr. Dahlk's request. Ms. Yates replied that PAPA supports his request. Ms. Yates stated that Mr. Corrington wrote a letter of support.

Ms. Yates stated that after his relapse Mr. Dahlk went to Hazelton Treatment Center in Oregon. Ms. Yates stated that he completed a 10 week recovery program prior to signing a new contract.

Dr. Berry asked Mr. Dahlk to describe his recovery process. Mr. Dahlk stated that he had completed 4 years of his PAPA contract. Mr. Dahlk stated that he did not completely surrender and realize that he had an addiction. Mr. Dahlk stated that after spending 10 weeks in Oregon he realized that he does have an addiction and recovery is his number one priority.

Mr. Dahlk stated that he has a sponsor and reads recovery materials. Mr. Dahlk stated that he attends Pills Anonymous meetings. Mr. Dahlk stated that he now shares at meetings. Mr. Dahlk stated that he never really shared at meetings prior to his relapse.

Ms. Yates stated that Mr. Dahlk did not address the fact that he was addicted to pills. Ms. Yates stated that he needed to address his addiction to help with his recovery.

Dr. Berry asked Mr. Dahlk what he has been doing the last 7 months as far as employment. Mr. Dahlk stated that he worked for one week for the Census. Mr. Dahlk stated that he has been working on his community service hours.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously agreed to approve the request by Mr. Dahlk to terminate the suspension of his pharmacist license and impose probation per Board Order 10-0026-PHR.

AGENDA ITEM 8– License Applications Requiring Board Review

#1 Michael Gallotte

Michael Gallotte appeared on his own behalf to request to proceed with reciprocity.

President Berry opened the discussion by asking Mr. Gallotte why he was appearing in front of the Board. Mr. Gallotte stated that his license is currently on probation in Mississippi. Mr. Gallotte stated that he is a recovering addict. Mr. Gallotte stated that he has been in recovery for 7½ years. Mr. Gallotte stated that in 2001 he surrendered his license because he admitted to the unauthorized use of controlled substances. Mr. Gallotte stated that his license was reinstated in 2001 and he was placed on probation for 10 years. Mr. Gallotte stated that his license was revoked in 2002 because he failed in his recovery. Mr. Gallotte stated that his license was reinstated in November of 2009 and he was placed on probation for 10 years with the requirement that he participate in Mississippi's recovery program.

Mr. Gallotte stated that he is the pharmacist in charge at a mail order facility that wants to service patients in Arizona. Mr. Gallotte stated that in order to ship medications to Arizona he needs to be licensed in Arizona.

Dr. Berry asked Mr. Gallotte to describe his recovery process. Mr. Gallotte stated that he attends AA meetings and participates in the Mississippi recovery program. Mr. Gallotte stated that he has taught courses on drug addiction.

Mr. McAllister asked Ms. Campbell about the Board's restriction that a PAPA participant cannot be a pharmacist in charge.

Mr. McAllister asked Mr. Gallotte if he planned to move to Arizona. Mr. Gallotte replied no.

Ms. Campbell stated that the Board may grant licensure to Mr. Gallotte and place the license on probation. Ms. Campbell stated that the Board could mirror the consent agreement in his home state that places him on probation and allows him to be a Pharmacist in Charge.

Mr. Van Hassel asked Mr. Gallotte if he had to take any exams prior to the Board reinstating his license. Mr. Gallotte stated that he had to take the Mississippi law exam.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously agreed to approve Mr. Gallotte's application to proceed with reciprocity. Mr. Gallotte would be offered a Consent Agreement paralleling his Mississippi Consent Agreement. Mr. Gallotte would need to continue to participate in the Mississippi Recovery Program and notify the Board immediately if there is any disciplinary action taken against his license. If Mr. Gallotte decides to move to Arizona he must initiate and sign a PAPA contract upon moving to Arizona. The Board authorized Mr. Wand to approve the signed Consent Agreement.

#2 Mehrdad Hariri

Mehrdad Hariri appeared on his own behalf to request to proceed with reciprocity.

President Berry opened the discussion by asking Mr. Hariri why he was appearing in front of the Board. Mr. Hariri stated that he is applying for licensure in Arizona and was told that he would need to appear because his license was disciplined in Florida.

Dr. Berry asked Mr. Hariri why his license was disciplined in Florida. Mr. Hariri stated that the Florida Board disciplined him for giving the wrong medication twice.

Dr. Berry asked Mr. Hariri if his license is currently in good standing. Mr. Hariri replied yes.

Dr. Berry asked Mr. Hariri if any other states had taken any disciplinary action against his license. Mr. Hariri replied no.

Dr. Berry asked Mr. Hariri why Colorado denied his application for licensure. Mr. Hariri stated that when he filled out the application he responded "No" to the question that asked if had any disciplinary actions taken against his pharmacist license. Mr. Hariri stated that he was filling the application out at work and accidentally answered no to the question. Mr. Hariri stated that when he found out about the error he offered to correct the application and resend the application to the Board. Mr. Hariri stated that the Board would not let him correct the application and denied his request for reciprocity.

Dr. Berry asked Mr. Hariri if he plans on moving to Arizona. Mr. Hariri stated that he does not plan to move to Arizona at this time. Mr. Hariri stated that his company holds a non-resident license in Arizona and at this time he feels that he could help his company if the Pharmacist in Charge ever leaves.

Mr. Milovich asked Mr. Hariri why he did not pursue the Colorado license because his denial indicated that they would issue him a license with conditions. Mr. Hariri stated that he did not read the questions carefully and made an honest mistake. Mr. Hariri stated that he decided not to pursue getting a license in Colorado.

Mr. Van Hassel asked if he was disciplined in 2002 and 2006. Mr. Hariri stated that he was disciplined in 2006 because the patient saw an advertisement about suing a pharmacy for prescription errors and the client sued the pharmacy.

Mr. McAllister asked Mr. Hariri when he obtained his Pennsylvania license. Mr. Hariri stated that he received the license earlier this year.

Mr. McAllister asked Mr. Hariri when he was licensed in Florida. Mr. Hariri stated that he was licensed in 1984.

Dr. Berry asked Mr. Hariri about the misbranding incident. Mr. Hariri stated that he was helping out a friend's wife. Mr. Hariri stated that in 1991 his friend's wife presented a prescription for Ogen. The prescription stated that generic substitution was acceptable. Mr. Hariri stated that he dispensed Ortho-Est. Mr. Hariri stated that he was selling the medication to the patient at cost. Mr. Hariri stated that he changed the prescription from Ogen to Ortho-Est. Mr. Hariri stated that in 2001 when a generic for Ogen became available he dispensed Estropipate instead of Ortho-Est. Mr. Hariri stated that he did not change the label. Mr. Hariri stated that the label said Ortho-Est instead of Estropipate. Mr. Hariri stated that his friend's wife sued him and caused problems. Mr. Hariri stated that he did not expect that from a friend. Mr. Hariri stated that as an example you would not expect your mother to sue you if her pills had a different marking than the previous time.

Dr. Berry asked Mr. Hariri if he owned the pharmacy. Mr. Hariri replied yes.

Dr. Berry asked Mr. Hariri if he still owns the pharmacy. Mr. Hariri replied yes.

Dr. Berry asked Mr. Hariri if this is the only prescription he mis-branded. Mr. Hariri stated that he did it for a friend and she came after him when they were getting divorced. Mr. Hariri stated that he believes that she was looking for money. Mr. Hariri stated that he now uses a Script Pro machine and has systems in place that would prevent this incident from occurring again.

Mr. Wand asked Mr. Hariri about the incident where he dispensed Glyburide instead of Baclofen. Mr. Hariri stated that the wife was diabetic and the husband had MS. Mr. Hariri stated that both patients were on State Medicaid. Mr. Hariri stated that the wife had a prescription for Glyburide and the husband had a prescription for Baclofen. Mr. Hariri stated that they had not been to the pharmacy in 2 to 3 months and he called them to see why they had left. The wife told Mr. Hariri that he had given them the wrong medication. The wife told Mr. Hariri that he gave her husband Glyburide. Mr. Hariri stated that he does not believe that the error was made at the pharmacy. Mr. Hariri stated that the couple sued the pharmacy. Mr. Hariri stated that the wife had told him that he was going to pay for the mistake. Mr. Hariri stated that they filed a lawsuit and a claim was paid. Mr. Hariri stated that he had to take a course on misfills.

Dr. Berry asked if Pennsylvania considered the disciplinary actions that were taken against his Florida license. Mr. Hariri stated that Pennsylvania stated that they felt he did not do anything wrong.

Dr. Berry asked Mr. Hariri if he planned to move to Pennsylvania. Mr. Hariri stated that he has family that lives in New Jersey close to Pennsylvania.

Mr. Milovich asked Mr. Hariri what would happen if his mother showed up in the emergency room with a mislabeled bottle. Mr. Hariri stated that his mother would not have gone to the emergency for a tablet with a different marking. Mr. Hariri stated that it is not okay to mislabel a bottle.

Mr. Milovich asked Mr. Hariri if it is okay under certain circumstances to mislabel a bottle. Mr. Hariri commented that Florida thought the comments were petty.

Mr. McAllister indicated that he feels that Mr. Hariri has a disregard for the law and pharmacy.

Mr. Haiber stated that Mr. Hariri was more worried about the customer coming back to the pharmacy than patient safety.

Mr. Hariri stated that he is using technology to ensure that patients receive the correct medication. Mr. Hariri stated that it would not happen again. Mr. Hariri stated that he does not have any disregard for the profession of pharmacy.

On motion by Mr. McAllister and seconded by Ms. Locnikar, the Board unanimously agreed to deny Mr. Hariri's application to proceed with reciprocity based on the following statutes: A.R.S. §§ 32-1927 (A) and (S) and 32-1901.01 (B) (16) stating that the applicant has committed acts of unprofessional conduct.

#3 Jennifer Winningham

Dr. Foy recused himself due to a conflict of interest.

Jennifer Winningham appeared on her own behalf to request to proceed with reciprocity.

President Berry opened the discussion by asking Ms. Winningham why she was appearing in front of the Board. Ms. Winnigham stated that she had disciplinary action in Kansas. Ms. Winningham stated that she had a technician that was stealing narcotics. Ms. Winningham stated that the Board determined her policies and procedures concerning controlled substances were lacking. Ms. Winningham stated that her Pharmacist in Charge license was disciplined. Ms. Winningham stated she could not be a pharmacist in charge for 2 years.

Dr. Berry asked if her license is now current and active. Ms. Winningham replied yes.

Mr. Van Hassel asked Ms. Winningham if she planned to move to Arizona. Ms. Winningham replied yes. Ms. Winningham stated that her husband has accepted a job in Arizona.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously agreed to approve Ms. Winningham's application to proceed with reciprocity

#4 David Hall

David Hall appeared on his own behalf to request that the Board reinstate his Pharmacist license that was revoked in 2006 per Board Order 06-0019-PHR. Ms. Yates with the PAPA program was also present.

President Berry opened that discussion by asking Mr. Hall why he was appearing in front of the Board. Mr. Hall stated that he is requesting that the Board reinstate his revoked Pharmacist license.

Dr. Berry asked Ms. Yates if PAPA supports his request. Ms. Yates stated that PAPA supports his request. Ms. Yates stated that his 5-year PAPA contract would expire in May of 2011. Ms. Yates stated that the Board has received letters of support from Mr. Corrington and Mr. Hall's sponsors. Ms. Yates stated that Mr. Hall has been compliant throughout the program.

Dr. Berry asked Mr. Hall what he has done for employment during this period. Mr. Hall stated that he has worked in Internet sales and marketing.

Mr. Van Hassel asked Mr. Hall if he has completed any Pharmacy CE courses. Mr. Hall stated that he has recently completed 30 hours and has completed about 50 hours in the last 5 years. Mr. Hall stated that he has reviewed the law in case he is required to retake the law exam. Mr. Hall stated that he has completed CE courses on addiction, new drugs, and other pharmacy topics.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously agreed to offer Mr. Hall a consent agreement to reinstate his pharmacist license. Mr. McAllister stated that the consent agreement would place Mr. Hall on probation until his PAPA contract is completed and he must pay all back fees to bring his license current.

Mr. Milovich asked if the law exam would be required. Mr. McAllister replied no.

Mr. McAllister stated that he did not extend the probation past his current PAPA contract because Mr. Hall is in a program with the support of his counselor.

#5 Bernadette Bergin

Bernadette Bergin appeared on her own behalf to request to proceed with pharmacy technician trainee licensure. Her request was tabled at the May meeting. Ms. Bergin was asked to submit additional documentation to the Board.

President Berry opened the discussion by asking Ms. Bergin if she had submitted the documents that the Board asked her to submit at the last meeting. Ms. Bergin stated that since the last meeting she has signed an amended consent agreement with the Nursing Board. Ms. Bergin stated that she has also submitted a copy of her second evaluation.

Dr. Berry asked Ms. Bergin if she is currently working as a nurse. Ms. Bergin stated that she has had 4 interviews. Ms. Bergin stated that she was offered one job but was not able to accept that job because of the terms of her consent agreement.

Dr. Berry asked Ms. Bergin if she was going to pursue a career as a nurse. Ms. Bergin stated that she finished her pharmacy technician class and really wants to work as a pharmacy technician.

Mr. Van Hassel asked Ms. Bergin if she completed the ACLS course. Ms. Bergin replied yes.

Mr. Van Hassel asked Ms. Bergin how she would handle conflict with other employees or customers. Ms. Bergin stated that she has no issue in dealing with the public. Ms. Bergin stated that if she had an issue with another employee she would discuss things in another room. Ms. Bergin stated that she has never had a patient complaint filed against her.

Mr. Van Hassel asked Ms. Bergin about Dr. Prigatano's comments. Ms. Bergin stated that she is not sure what Dr. Prigatano discussed with the Nursing Board because she was not present. Ms. Bergin stated that she is not opposed to counseling.

Dr. Foy asked when Ms. Bergin had the second evaluation. Ms. Bergin stated that the second evaluation she submitted was done in 2009 by Dr. Prigatano.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board agreed to approve Ms. Bergin's application to proceed with pharmacy technician trainee licensure. There was one nay vote by Mr. Van Hassel.

AGENDA ITEM 9 – WellCare Specialty Pharmacy (Non-Resident Pharmacy Application)

Timothy Susanin, General Counsel for Wellcare Health Plans, Inc., was present to address the Board concerning the Non-Resident Pharmacy application for WellCare Specialty Pharmacy.

President Berry opened the discussion by asking Mr. Susanin why he was appearing in front of the Board.

Mr. Susanin stated that WellCare Specialty Pharmacy had applied for a non-resident permit. Mr. Susanin stated that the Board had offered WellCare Specialty Pharmacy a consent agreement for licensure with probation. Mr. Susanin stated that the Company is asking that the Board reconsider their decision and offer WellCare Specialty Pharmacy a license without probation.

Mr. Susanin stated that WellCare Specialty Pharmacy is an indirect wholly-owned subsidiary of WellCare Health Plans, Inc. Mr. Susanin stated that WellCare Health Plans, Inc. entered into a Deferred Prosecution Agreement with the U.S. Attorney's Office in 2009.

Mr. Susanin stated that when WellCare Specialty Pharmacy submitted their application they checked yes on the application where it asked if the owner had been convicted of an offense and sent documentation explaining the Deferred Prosecution Agreement that

WellCare Health Plans, Inc. had entered into with the U.S. Attorney's office. Mr. Susanin stated that they check yes to the question so that all information is disclosed. Mr. Susanin stated that there have not been any convictions against the Company or the Pharmacy.

Mr. Susanin stated that the investigation began in 2006. Mr. Susanin stated that WellCare Specialty Pharmacy did not open for business until 2007. Mr. Susanin stated that the Pharmacy was not involved in the raid that occurred in 2006.

Mr. Susanin explained how the company has changed and the monitoring that is taking place as a result of the Deferred Prosecution Agreement.

Mr. Susanin stated that if the Board was to place the pharmacy on probation they would need to disclose the disciplinary action to every state in which they hold a license. Mr. Susanin stated that it could possibly have a ripple effect and other states would follow suit and take action against the pharmacy license. Mr. Susanin stated that the ripple effect could lead to a halt of their business.

Dr. Berry asked if there have been any complaints against the pharmacy. Mr. Susanin replied no.

Mr. Milovich asked when the monitoring would be completed. Mr. Susanin stated that the monitoring is scheduled to be completed in May of 2012. Mr. Susanin stated that depending on the monitors report the monitoring could end in May of 2011. Mr. Susanin stated that he is willing to return at future Board Meetings and provide the Board Members with an update.

On motion by Dr. Foy and seconded by Mr. McAllister, the Board agreed to approve the permit application for WellCare Specialty Pharmacy. There were two nay votes by Mr. Milovich and Mr. Van Hassel.

AGENDA ITEM 10 – Arizona Optometry Board Prescribing Authority

President Berry asked Mr. Wand to address this issue.

Mr. Wand introduced Margaret Whelan, Executive Director of the Arizona Optometry Board. Mr. Wand stated that Ms. Whelan had asked to meet with the Board Members to open lines of communication between the two Boards.

Mr. Wand stated that there have been issues concerning the dispensing of prescriptions written by optometrists. Mr. Wand stated that he has addressed the issue in the Arizona Board of Pharmacy July Newsletter. Mr. Wand stated that the article addresses the prescriptive authority of the optometrist and the fact that they often do not have DEA numbers because they do not write controlled substance prescriptions.

Ms. Whelan indicated that she has received calls from both patients and doctors stating that the pharmacist would not fill a prescription. Ms. Whelan stated that there is no mandate that an optometrist has a DEA if they are not going to write prescriptions for controlled substances. Ms. Whelan indicated that sometimes the pharmacist would not fill the prescription because of insurance reimbursement issues with the insurance companies because the optometrist does not have a DEA number.

Mr. Wand stated that in some cases the pharmacist is not able to use the internet at work to link to the Board's website which has a link to the Optometry Board site. Mr. Wand stated that he noted in his article in the Newsletter that about 88% of the optometrists have prescribing authority. Mr. Wand noted that most of the medications prescribed by the optometrists are non-controlled medications.

Mr. Wand indicated that there was an issue concerning the use of rubber stamps for signatures which is not allowed. Ms. Whelan stated that they were told by a previous Assistant Attorney General that they could use a rubber stamp. Ms. Whelan stated that they have now removed that notice from their website and are notifying all optometrists that it is not legal to use a rubber stamp for their signature.

Mr. Haiber asked Ms. Whelan if the optometrists have applied for NPI numbers. Ms. Whelan stated that about 800 out of 1,000 practitioners do have NPI numbers. Mr. Haiber suggested that the optometrist may want to write that number on his prescription because in some cases the pharmacy could bill the insurance companies using the NPI number.

Ms. Whelan stated that the Optometry Board does provide the Board of Pharmacy with a listing of all optometrists that have prescriptive authority.

Mr. Wand stated that the Board does receive that list and has placed a link on the Board's website to the Optometry Board's website.

Mr. Wand stated that the two Boards are trying to open lines of communication to assist the practitioners, the pharmacists, and the patients.

AGENDA ITEM 11 – Reports

Executive Director Report

Introduction of New Compliance Officer

Mr. Wand stated that a new Compliance Officer has been hired for the Tucson area. Mr. Wand introduced Tom Petersen, who will be the new Compliance Officer for the Tucson area. Mr. Petersen started at the end of June and is currently training with the other Compliance Officers.

Budget Issues

Mr. Wand opened the discussion by reviewing the financial reports with the Board Members.

Rules Moratorium

Mr. Wand stated that the rules moratorium is to continue through June of 2011.

Deputy Director Report

Ms. Frush reviewed the Compliance Officers Activity Report and Drug Inspector Activity Reports with the Board Members.

During the months of May and June, the Compliance Staff issued letters for the following violations:

Controlled Substance Violations

1. Controlled Substance Overage –6
2. Controlled Substance Shortage –3
3. Unable to locate Annual Controlled Substance Inventory –1
4. Controlled Substance Invoices not separated or readily retrievable - 3

Documentation Violations

1. Failure to sign daily log - 1
2. Failure to document counseling –2
3. Failure to document mechanical counting devices maintenance – 5
4. Failure to document medical conditions - 1

Dispensing Violations

1. Outdated Rx and OTC items in the pharmacy – 3

Pharmacy Violations

1. Allowing technician to work with an expired license -1

The following areas were noted on the inspection reports for improvement:

1. Counseling documentation

Areas outside the inspection reports that may be of interest:

1. DEA Electronic Prescriptions for Controlled Substances

Mr. McAllister asked Mr. Wand if he could contact the other Boards concerning the DEA Electronic Controlled Substances Prescriptions. Mr. McAllister stated that pharmacists are calling because physicians believe that they can send electronic prescriptions to the pharmacies.

Mr. Wand stated that there is a link on the Board's website under Frequently Asked Questions (FAQ's) concerning the issuing of Electronic Prescriptions for Controlled Substances.

Agenda Item 12 – Conference

Complaint # 3760 (A)

The following individual was present to answer questions from Board Members concerning a consumer complaint; Richard Mendribil – Pharmacy Director for Flagstaff Medical Center. Lauren Weinzwieg, Legal Counsel, for Flagstaff Medical Center was also present.

President Berry opened the discussion by asking Ms. Sutcliffe to give a brief overview of the complaint. Ms. Sutcliffe stated that the Board asked that a complaint be opened against the permit holder because there were two complaints by patients indicating that their prescriptions had been compounded incorrectly.

President Berry asked Mr. Mendribil to address the complaint. Mr. Mendribil stated that he oversees the operations of Flagstaff hospital, the outpatient pharmacy, HNS, and Verde Valley Hospital. Mr. Mendribil stated that he was involved with the investigation of the complaints and there have been process changes and technology upgrades. Mr.

Mendribil stated that he has been Director at the Hospital for 1 year and previously was a Director at a large hospital in California for 22 years. Mr. Mendribil stated that they take all complaints seriously. Mr. Mendribil stated that when complaints are discovered, immediate action is taken.

Dr. Berry asked Mr. Mendribil to discuss the changes that were made to ensure that the same errors do not occur again. Mr. Mendribil stated that when they started their investigation they contacted the software vendor to find out how the formula could be changed if the system was supposed to be protected against changes of this nature. Mr. Mendribil stated that the software vendor told them that they were several versions behind which included formula protection. Mr. Mendribil stated that the software was updated the next day. Mr. Mendribil stated that the formulas were quarantined and password protected. Mr. Mendribil stated that all the compounding formulas were double checked by two pharmacists and then were re-entered into the computer by the pharmacists.

Mr. Mendribil stated that they have developed a medication error reduction policy. Mr. Mendribil stated that the policy states what to do to reduce medication errors.

Mr. Mendribil stated that the hospital sent the two pharmacists and the pharmacy technician to a specialized compounding school. Mr. Mendribil stated that the training also included a review of the new upgraded software.

Mr. McAllister asked why a pharmacist would not have caught the error when the quantity of one ingredient was changed from 1.35 gm to 13.5 gm. Mr. McAllister stated that the pharmacist should have realized that the quantity was not correct.

Mr. Mendribil indicated that the pharmacists were checking the formulas and the formula had been changed. Mr. Mendribil indicated that the pharmacists are now being more vigilant when checking the formulas.

Mr. Haiber asked about the password security. Mr. Mendribil stated that there was no password security in the version that they were using at the time the errors occurred. Mr. Mendribil stated that the new version is password protected. Mr. Mendribil stated that only the pharmacist in charge and the other pharmacist can enter the formulas. Mr. Mendribil stated that no technician can manipulate the formulas.

Mr. Haiber asked how often the password is changed. Mr. Mendribil stated that the passwords are changed every three months.

Dr. Foy asked Mr. Mendribil why the software was not updated. Mr. Mendribil stated that he does not know why the software was not updated. Mr. Mendribil stated that it is their policy to maintain tools that the clinicians use to ensure patient safety.

Dr. Foy asked Mr. Mendribil if they received notice of available upgrades for the software. Mr. Mendribil stated that the vendor does not notify them of upgrades.

Dr. Foy asked Mr. Mendribil how he would handle getting information concerning future upgrades. Mr. Mendribil stated that they would stay current and make determinations to upgrade when an upgrade is available.

Ms. Weinzwieg stated that the pharmacist in charge would keep in contact with the vendor concerning upgrades.

Mr. Haiber asked Mr. Mendribil if they have an IT department at the hospital. Mr. Mendribil stated that they do have an IT department.

Mr. Haiber asked Mr. Mendribil if the IT department contacts software vendors. Mr. Mendribil stated no. Mr. Mendribil stated that he is having the pharmacist in charge and a designated technician participate in the user group discussions with the IT department.

Mr. Haiber asked if all the existing formulas have been reviewed and entered into the computer. Mr. Mendribil stated that every formula was locked down. Mr. Mendribil stated that they have started with the top 100 compounds and have checked the calculations. The prescriptions are then entered and locked down. Mr. Mendribil stated that a compound cannot be made until the formula is checked, entered into the computer, and locked down. Mr. Mendribil stated that the process is about 95% complete.

Mr. Van Hassel asked if the systems are integrated at the different sites. Mr. Mendribil replied that they are not integrated at this time. Mr. Mendribil stated that they have just upgraded to a new McKesson system and hope to have the sites integrated.

Mr. Wand indicated that Michael Noel served as an outside consultant to the hospital. Mr. Mendribil stated that they wanted an independent pharmacist to review the pharmacy procedures.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to issue an advisory letter to the permit holder concerning the development and implementation of policies and procedures to protect the patient.

AGENDA ITEM 13 – Consideration of Complaints on Schedule “E” and Consideration of Consumer Complaint Committee Recommendations

The Consumer Complaint Review Committee met prior to the Board Meeting to review 48 complaints. Ms. Galindo, Mr. Haiber, and Mr. Milovich served as the review committee. Ms. Honeyestewa was not present for the Complaint Review Committee Meeting. Board Members were encouraged to discuss issues and were encouraged to ask questions.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Dr. Foy was recused due to a conflict of interest.

Complaint #3816 - Dismiss

Complaint #3831 - Advisory Letter to the Pharmacist concerning prescription refill documentation

- Complaint #3839 - Consent Agreement offered to the pharmacist with the following terms: \$1,000 fine and 6 hours of Board approved CE on error prevention. CE is in addition to required CE. Fines and CE to be completed in 90 days. If not signed, case proceeds to hearing.

The Board Members discussed Complaint #3793 because they did not agree with the Complaint Review Committee's recommendation. The Complaint Review Committee had recommended an advisory letter to be sent to the pharmacist and the pharmacy technician. Mr. McAllister felt that the technician had miscounted the prescription and when the patient returned the pharmacist had given the patient the extra capsules and thought the complaint should be dismissed.

Dr. Foy was recused due to a conflict of interest.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board made the following recommendation:

- Complaint #3793 - Dismiss

On motion by Mr. Haiber and seconded by Dr. Foy, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints.

- Complaint #3781 - Advisory Letter to Both Pharmacists concerning the selling of a prescription to the correct patient
- Complaint #3782 - Dismiss
- Complaint #3794 - Consent Agreement offered to the Pharmacy Technician for a standard PAPA contract. Consent to be signed by July 26, 2010. If not signed, the case proceeds to hearing.
- Complaint #3797 - Consent Agreement offered to the Pharmacy Technician for a standard PAPA contract. Consent to be signed by July 26, 2010. If not signed, the case proceeds to hearing.
- Complaint #3798 - Consent Agreement offered to the Pharmacist for the Surrender of his Pharmacist License. Consent to be signed by July 26, 2010. If not signed, the case proceeds to hearing. If signed, the Executive Director is authorized to sign the consent instead of waiting for Board Approval at the September meeting.
- Complaint #3799 - Advisory Letter issued to the pharmacist concerning unethical conduct

Complaint #3800	-	Consent Agreement offered to the Pharmacist with the following terms: \$250 fine and 6 hours of Board approved CE on pharmacy law. CE is in addition to required hours. Fine and CE to be completed in 90 days. If not signed, proceed to hearing.
Complaint #3802	-	Dismiss and refer back to the Nursing Board
Complaint #3803	-	Consent Agreement offered to the Pharmacy Technician Trainee with the following terms: \$500 fine, a 6 month suspension followed by probation for 2 years. Fine to be paid in 90 days. If not signed, case proceeds to hearing.
Complaint #3805	-	Dismiss
Complaint #3808	-	Dismiss
Complaint #3812	-	Consent Agreement offered to the Permit Holder with the following terms: 1 year probation, \$1,000 fine to be paid in 90 days, and 2 additional inspections within the next year at the permit holder's expense. If not signed, the case proceeds to hearing.
Complaint #3812 (Cont.)-		Consent Agreement offered to the Pharmacist in Charge with the following terms: \$1,000 fine to be paid in 90 days. If not signed, case proceeds to hearing.
Complaint #3813	-	Advisory Letter to the Pharmacist concerning unprofessional conduct
Complaint #3820	-	Consent Agreement offered to the Pharmacist for a Standard PAPA contract. If not signed, the case proceeds to hearing.
Complaint #3821	-	Consent Agreement offered to the Pharmacy Technician Trainee with the following terms: Surrender of license and not reapply for licensure for one year. If not signed, the case proceeds to hearing.
Complaint # 3822	-	Dismiss
Complaint #3825	-	Advisory Letter to the Pharmacist concerning the selling of a prescription to the correct patient

- Complaint #3826 - Consent Agreement offered to the Pharmacist in Charge with the following terms: Fine of \$1,000 and 6 hours of Board approved CE on pharmacy law. CE is in addition to the required hours. Fine and CE to be completed in 90 days. If not signed, case proceeds to hearing.
- Complaint #3830 - Advisory Letter to the Pharmacist concerning the final accuracy check
- Complaint #3836 - Consent Agreement offered to the Pharmacist with the following terms: \$500 fine and 6 hours of Board approved CE on error prevention. CE is in addition to required hours. Fine and CE to be completed in 90 days. If not signed, case proceeds to hearing.
- Complaint #3837 - Dismiss

The Board discussed Complaint #3817 and #3818. The Complaint committee had recommended offering the Pharmacist a consent agreement with a total of fine of \$1,500 for the two complaints. Mr. McAllister felt that the Board should open a complaint against the permit holder and ask the Pharmacy Director to appear for a conference to see what is standard practice at the hospital. Mr. McAllister stated that the Pharmacist could also be asked to attend the conference and then the Board could decide at that time if they would like to offer a consent agreement to the pharmacist.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to open a complaint against the permit holder and ask the permit holder and the pharmacist to appear for a conference. (Complaint #3717 and #3718)

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Dr. Berry was recused due to a conflict of interest.

- Complaint #3779 - Advisory Letter to the Pharmacist concerning the selling of the prescription to the correct patient
Advisory Letter to the Pharmacist in Charge concerning policies
Advisory Letter to the Pharmacy Technician concerning policies and procedures
- Complaint #3785 - Letter to Corporate Office – non permitted Site

Consent Agreement offered to the Pharmacist with the following terms: \$500 fine and 4 hours of Board approved CE on error prevention. CE is in addition to required hours. Fine and CE to be completed in 90 days. If not signed, case proceeds to hearing.

- Complaint #3791 - Consent Agreement offered to the Verification Pharmacist with the following terms: \$500 fine, and 8 hours of Board approved CE on error prevention. CE is in addition to required hours. Fine and CE to be completed in 90 days. If not signed, case proceeds to hearing.
Advisory Letter to the Pharmacist in Charge concerning automation policies
Pharmacy Technician – Dismiss

- Complaint #3792 - Open a complaint against the Permit Holder for the Florida Mail Site and ask to appear at the September Board Meeting for a conference
Refer Complaint to Florida Board
Request Pharmacist in Charge of Florida Mail
Order Pharmacy to appear at the conference
Advisory Letter issued to the Pharmacist at the local store concerning the documentation of counseling.

- Complaint #3804 - Advisory Letter issued to the Pharmacist concerning the verification of Data Entry

- Complaint #3806 and - These two complaints involved the same pharmacist
Complaint #3828 Consent Agreement offered to the Pharmacist for a \$1,000 fine and Standard PAPA contract

- Complaint #3807 - Dismiss

- Complaint #3809 - Dismiss

- Complaint #3810 - Consent Agreement offered to the Pharmacist with the following terms: \$500 fine, 3hours of Board approved CE on error prevention and 3 hours of Board approved CE on pharmacy law. CE is in addition to required hours. Fine and CE to be completed in 90 days. If not signed, case proceeds to hearing.

- Complaint #3811 - Advisory Letter to the Pharmacist concerning the final accuracy check.

- Complaint #3823 - Open a complaint against the Permit Holder for the Florida Mail Site and ask to appear at the September Board Meeting for a conference
Refer Complaint to Florida Board
Request Pharmacist in Charge of Florida Mail
Order Pharmacy to appear at the conference

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|-----------------|---|--|
| Complaint #3824 | - | Open a complaint against the Permit Holder for the Florida Mail Site and ask to appear at the September Board Meeting for a conference
Refer Complaint to Florida Board
Request Pharmacist in Charge of Florida Mail
Order Pharmacy to appear at the conference
Dismiss – Pharmacist at Local Store |
| Complaint #3832 | - | Open a complaint against the Permit Holder for the Florida Mail Site and ask to appear at the September Board Meeting for a conference
Refer Complaint to Florida Board
Request Pharmacist in Charge of Florida Mail
Order Pharmacy to appear at the conference
Advisory Letter issued to Pharmacist at local Store concerning Dispense as Written regulations |

The Complaint Committee did not have a quorum to review the following complaints, so the complaints were reviewed by the whole board. Mr. Haiber was recused due to a conflict of interest.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously agreed to meet in executive session to obtain legal advice.

The Board reviewed Complaint #3783, Complaint #3784, and Complaint #3819 at the same time. The Complaints all involved time card fraud by Pharmacy Technician trainees. The Board Members felt that this was a employee-employer issue. Ms. Galindo stated that this issue does address the moral character of an individual.

Mr. Haiber was recused due to a conflict of interest.

On motion by Mr. Van Hassel and seconded by Ms. Locnikar, the Board made the following recommendations:

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| Complaint #3783 | - | Dismiss |
| Complaint #3784 | - | Dismiss |
| Complaint #3819 | - | Dismiss |

The Board discussed Complaint #3786. Mr. McAllister stated that Static Electricity is a common problem when using automation. Mr. McAllister stated that they may have to use the anti-static spray more often.

Mr. Haiber was recused due to a conflict of interest.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to send an advisory letter to the Pharmacist in Charge concerning the maintenance of the automated equipment. (Complaint #3786)

The Board discussed Complaint # 3787 concerning the odor of a capsule. The manufacturer had recently changed suppliers and have stated that the bad smell and taste are harmless.

Mr. Haiber was recused due to a conflict of interest.

On motion by Dr. Berry and seconded by Mr. McAllister, the Board unanimously agreed to dismiss Complaint #3787.

The Board discussed Complaint #3795. The complainant stated that the pharmacy entered his wife's prescription under his name. The pharmacy stated that the patient reviewed the order online prior to the pharmacy discovering the error during verification and the error being corrected.

Mr. Haiber was recused due to a conflict of interest.

On motion by Ms. Locnikar and seconded by Mr. McAllister, the Board unanimously agreed to dismiss Complaint #3795.

The Board discussed Complaint #3801. The complainant, a physician, indicated that he wrote a prescription for Synthroid with no refills and indicated that the prescription should be "Dispensed as Written". The doctor stated it was filled generically with one refill. The pharmacy stated that the plan would not cover the brand name medication and a request was sent to the doctor for approval of the generic medication. The doctor returned the fax authorizing the generic and an additional refill.

Mr. Haiber was recused due to a conflict of interest.

On motion by Mr. Van Hassel and seconded by Ms. Honeyestewa, the Board unanimously agreed to dismiss the complaint.

AGENDA ITEM 14 – Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure

President Berry stated that Mr. Wand has reviewed the requests and has approved the individuals for one additional two year period.

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board unanimously approved the requests of the Pharmacy Technician Trainees listed below to proceed with the reapplication process. The pharmacy technician trainee may reapply for an additional two years as a pharmacy technician trainee one time.

Pharmacy Technician Trainee Requests to reapply for licensure

Anthony Duran	Pooja Bhakta	Tabetha Carr
Nima Atabakan	William Graff	Theodora Voia- Tipei
Dolores Villafana	Dana Kim	Anita Rodriguez
Megan Arthur	Elizabeth Trombley	Claudia Terrazas
Gabriel Mendoza II	Crystal Hunt	Mark Mariano
Maria Hernandez	Pamela Mercer	Juliana Doyle
Luis Albert Jimenez III	Miriam Luna	Susana Ruiz
Maja Brkovix	Allison Kelly	Joseph Meeks
Brenton Jones	Jonathan Tang	Cindy Le
Belleh Taku	Kay Rogers	Isis Fernandez
Trevor Shumaker	Antoinette Price	Wilhelmina John

Annette Bonorand	Melinda Limon	Silvia Beruman
Michele Rivers	Larry Peloquin	Keri Marian
Sofya Sarumova	Melissa Haynie	Amanda Schad
Russell Tompkins	Raquel Erickson	Ashley Gochanour
Ryan Popoff	Trina Watkin	Nolan Begley
Evangeline Hrabik	Jeanette Numez	Monica Luna
Eric Davies	Jodi Berd	Jacqueline Antone
Johnny Ninh	Teralynn Glasses	Kayla Dorane
Emile Mukete	Emily Ramirez	Kenneth Lowery
Brianna Beaubien	Hilda Luna	Garilene John
Deanna Spiegel	Ivonne Sanchez	Ashley Kulikowski
Joséphine Razo	Richard Garcia	Sergio Valles
Jose Gonzales	Jennifer Lott	Alicia Espindola
Sheena Skidmore	Carmen Payan	Evene Mason
Lisa Morgan	Richard Andrews	Duyen Tieu
Nikole Culig	Sandra Zomaya	Neda Akbari
Kyle White	Leslie Rogers	Lai Le
Anthony Villanueva		

AGENDA ITEM 15 – Consent Agreements

President Berry asked Board Members if there were any questions or discussions concerning the consent agreements. Executive Director Hal Wand indicated that the consent agreements have been reviewed and approved by the Attorney General’s Office and have been signed.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents. The consent agreements are listed below.

Daniel Hoffman	-	10-0060-PHR
Vicki Graves	-	10-0061-PHR

A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Ms. Locnikar – aye, Mr. Van Hassel – aye, Mr. Milovich – aye, Dr. Foy – aye, Mr. McAllister – aye, Mr. Haiber – aye, and Dr. Berry – aye.)

President Berry turned the meeting over to Vice President Haiber due to a conflict of interest.

Dr. Berry was recused due to a conflict of interest.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to accept the following consent agreement as presented in the meeting book and signed by the respondent . The consent agreement is listed below.

Keyura Pandya	-	10-0069-PHR
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A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Ms. Locnikar – aye, Mr. Van Hassel – aye, Mr. Milovich – aye, Dr. Foy – aye, Mr. McAllister – aye, and Mr. Haiber – aye).

AGENDA ITEM 16 – Texas State Board of Pharmacy Evaluation of Pharmacy Technician Exams

President Berry asked Mr. McAllister to address this agenda item.

Mr. McAllister stated that the Texas State Board of Pharmacy had three outside evaluators review two pharmacy technician exams. The evaluators reviewed the psychometric criteria and test construction of the exams. Mr. McAllister stated that the study was a blind study.

Mr. McAllister stated that as a result of the study the Texas State Board of Pharmacy has selected the PTCB exam as their only pharmacy technician exam.

Mr. Wand stated that all the evaluators reviewed all the individual parts of the exams and in the end came to the same conclusion.

AGENDA ITEM 17 - Current Trends in Pharmacy

President Berry asked Mr. Wand to address this agenda item.

Mr. Wand stated that there are several trends that the Board might want to consider for future action.

Medical Marijuana

Mr. Wand stated that a referendum is currently slated to be on the ballot in November for voters to approve medical marijuana.

Mr. Wand stated that if the referendum passes it is not clear how the marijuana would be distributed. Mr. Wand stated that there may be separate independent dispensaries. It is not clear at this time if there would be any dispensing at any pharmacy sites.

DEA seeking comments on Dispensing Controlled Substances at Long Term Care Facilities

Mr. Wand stated that the DEA is currently seeking comments on Dispensing Controlled Substances at long term care facilities. Mr. Wand stated that he could contact the members of the Long Term Care task force so that they would be able to submit their comments for consideration by the DEA.

Disposal of Prescription Drugs

Mr. Wand stated that the disposal of prescription drugs has become a problem. Mr. Wand stated that if a company wanted to collect bottles of medication for destruction a police officer or law enforcement would need to be present if controlled substances are presented by patients for destruction.

Mr. Van Hassel stated that several hospitals have been cited by the EPA because of the disposal methods of drugs in the hospital.

AGENDA ITEM 18 – Call to the Public

President Berry announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

Dennis Snow came forth to ask the Board to consider using technicians to check technicians work in the hospital setting.

President Berry thanked Ms. Honeyestewa for serving on the Board as the Pharmacy Technician Member. Ms. Honeyestewa's term ends in August. Ms. Honeyestewa can serve until the Governor appoints a Pharmacy Technician member.

AGENDA ITEM 19 – Future Agenda Items

The Board Members requested that the following items be placed on a future agenda for consideration:

1. Drug Disposal
2. Technician check Technician in the hospital
3. CE requirements

Mr. Wand noted that due to the rules moratorium the Board would not be able to change any rules at this time.

AGENDA ITEM 20 – Adjournment

There being no further business to come before the Board, **on motion by Mr. McAllister and seconded by Mr. Haiber**, the Board unanimously agreed to adjourn the meeting at 3:35 P.M.